



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 01 2013

Mr. Randy R. Casey, Director
Division of Mined Land Reclamation
Commonwealth of Virginia
Department of Mines, Minerals and Energy
P.O. Drawer 900
Big Stone Gap, Virginia 24219

Re: NPDES Permit No. VA0081404 - Renewal
The Black Diamond Company - Valley Coal Corporation Mine No. 1
Paw Paw Creek Watershed, Buchanan County, VA
EPA Receipt Date - January 30, 2013

Dear Mr. Casey:

In accordance with Section 402(d) of the Clean Water Act, 40 C.F.R. § 123.44, and the Memoranda of Agreement (MOA) governing the implementation of the National Pollutant Discharge Elimination System (NPDES) program in Virginia, EPA has reviewed the referenced National Pollutant Discharge Elimination System (NPDES) proposed permit reissuance referenced above. This is a notification of EPA's general objection, pursuant to 40 C.F.R. § 123.44(b)(1). Pursuant to 40 C.F.R. § 123.44(b)(2) and the MOA, EPA will have until April 30, 2013 to complete its review, 90 days after the proposed permit was received.

The The Black Diamond Company, Valley Coal Corporation Mine No. 1 operation is an existing 7.86 acre underground mine, with one associated outfall. The Paw Paw Creek is a § 303(d) impaired stream for the benthic general standard. On April 27, 2007, EPA Region III approved the Paw Paw Creek TMDL for total dissolved solids (TDS), E. coli, and sediment pollutants. EPA requires this additional time due to the complexity of the proposed permit and to discuss with the Virginia Department of Mines, Minerals and Energy (VA DMME) how the proposed permit requirements are in conformance with the Paw Paw Creek approved TMDL as required in 40 C.F.R. § 122.44(d)(1)(vii)(B).

If you have any questions concerning this matter, please contact Ms. Evelyn MacKnight at (215) 814-5717.

Sincerely,

Jon M. Capacasa, Director
Water Protection Division

cc: James P. Richardson, The Black Diamond Company



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